

REMARKS

Claims 1-10, 20-25, 31, 33-37, 40, 42-50, 65-72, 78, 97-107, 114 and 116 are presented for consideration. Claims 1, 20, 31, 33, 65, 78, 97, 114 and 116 are the independent claims.

All of the claims stand rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter. This rejection is respectfully traversed.

With respect to Claims 31, 78 and 116, the Office Action asserts that these claims amount to “nothing but a software program.” It is respectfully submitted, however, that Claims 31, 78 and 116 are directed to a computer-readable medium encoded with computer-executable instructions, and thus these claims are submitted to be in full compliance with 35 U.S.C. §101. In this regard, the Examiner’s attention is respectfully directed to M.P.E.P. §2106 Sec. IVB1(a). Moreover, these claims have been amended to even more clearly set forth the tangible result of outputting the formed image to an image output device.

The Office Action asserts that Claims 1, 33 and 97 seek patent protection for a computer program. In this regard, it is respectfully submitted that Claims 1, 33 and 97 relate to a method of a creating an image using a computer that results in a physical transformation outside of the computer, i.e., outputting the formed image to an image output device. These claims are thus submitted to be directed to a statutory process, as set forth in M.P.E.P. §2106 Sec. IVB2(b).

Finally, with respect to Claims 20, 65 and 114, these claims relate to a computer apparatus and, it is respectfully submitted, are not limited to a computer program as asserted in the Office Action. What is more, these claims have been amended to include an image output device for outputting the formed image.

Accordingly, it is submitted that Applicants' claims are clearly directed to statutory subject matter, and thus reconsideration and withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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